

REMARKS

Status of the claims: Claims 1-53 are pending in the current application. Claims 46-53 are withdrawn. Claims 54-57 are canceled. Claims 1, 16, 17 and 32 are currently amended.

The Examiner has indicated that the means plus function language in Claim 32 "links the means to a structure such as a mandrel". Applicant would point out that the descriptions in the present specification of Applicant's apparatus as illustrated in Figures 6-9 refer to a variety of "means for supplying a web material containing an adsorbent and a flavourant to a cutting means."

The Examiner has rejected Claim 1-15 under 35 U.S.C. 103(a) over *Gentry* in view of *Crooks et al.* Applicant respectfully traverses that rejection. The embodiments of the smoking article of the invention are designed to deliver a flavourant to a smoker only during the smoking of a selective portion of the smoking article. As set forth in the specification it is considered to be advantageous to be able to simply and effectively position a stabilized flavourant material in a smoking article, so that a smoker will encounter a flavor sensation only during a selective portion of the smoking experience. This is done by having a web material comprising an adsorbent material and a flavourant positioned between the tobacco rod and the wrapper and extending over only a portion of the length of the tobacco rod. The web material may encircle the rod fully or only partially.

The reference to *Crooks et al.* is drawn strictly to a method of producing a smoking article having a reduced ignition propensity, by positioning a strip of paper material between the tobacco rod and the wrapper. *Crooks et al.* only contemplates that flavourant can be incorporated in the tobacco filler material, that is in the tobacco rod.

Accordingly *Crooks et al.* is a clear teaching away from the embodiments of Applicant's invention. There is no recognition and therefore no teaching, suggestion, or motivation in *Crooks et al.* to provide flavourant in a strip which extends over only a portion of the length of the rod of smokeable material so as to deliver flavourant to the smoker only over a selective portion of the smoking article.

The reference to *Gentry* is drawn to a smoking article in which flavoring agents are incorporated into an inner wrapping material 25 which clearly circumscribes the entire length of the roll of smokeable material. There again is no recognition and therefore no teaching, suggestion, or motivation to provide a web material carrying a flavourant, which extends over only a portion of the length of the rod of smokeable material so as to provide the smoker with flavourant during only a selective portion of the smoking article.

Applicant particularly traverses any suggestion that one would be led to use the disclosure of *Crooks et al.* to modify the cigarette of *Gentry*. Why would one turn to a teaching of how to reduce ignition propensity (*Crooks et al.*) to determine a method for altering the way flavourant is delivered to a smoker, particularly since neither *Gentry* or *Crooks et al.* has any contemplation or recognition of altering the delivery of flavourant in any way, and most particularly not in the manner used in the embodiments of Applicant's invention.

Clearly the combination of *Crooks et al.* and *Gentry* to reject Applicant's claims is a classic case of hindsight reconstruction which could only be based on a knowledge of Applicant's disclosure.

Similarly, Applicant's embodiments of a method and an apparatus for making a smoking article for delivering a flavourant to a smoker only during the smoking of a selective portion of the smoking article, are not disclosed by *Tabuchi et al.* either alone or in combination with *Crooks et al.* (which has been thoroughly discussed above).

Tabuchi et al., like *Gentry* discussed above, discloses only an apparatus and method of forming a double wrapper cigarette in which the inner wrapper extends the full length of the cigarette rod, coextensively with the outer wrapper, and thus has no teaching, suggestion, or motivation for using an apparatus or method as claimed for Applicant's embodiments.

Accordingly, it is submitted that this application is now in condition for allowance, and such action is respectfully requested. The Examiner is invited to contact the undersigned attorney by phone if there are any further issues that require discussion.

Respectfully submitted,

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